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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,064	08/26/2003	Jean R. Chang	TUC920030104US1	2937
45216	7590	11/02/2007		
Kunzler & McKenzie 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER MYINT, DENNIS Y	
			ART UNIT	PAPER NUMBER
			2162	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Interview Summary	Application No.	Applicant(s)	
	10/648,064	CHANG ET AL.	
	Examiner	Art Unit	
	Dennis Myint	2162	

All participants (applicant, applicant's representative, PTO personnel):

(1) Dennis Myint (Examiner).

(3) Mr. Scott Thorpe (Applicant's Representative).

(2) Cam Y. Truong (Primary Examiner).

(4) _____.

Date of Interview: 29 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

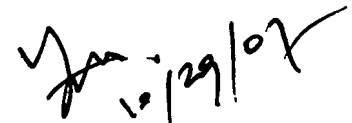
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

On October 29, 2007, Applicant's Representative, Mr. Scott Thorpe, initiated a telephonic interview. Applicant's Representative explained in details with respect to the limitations of claim 1 referring to the specification of the instant application (page 12 paragraph 38) and presented two versions of proposed amendments to claim 1. Examiner and the Primary Examiner carefully reviewed both the specification and the two versions of proposed amendments to claim 1 and suggested that the second version better reflects the claimed invention recited in paragraph 38 on page 12 of the specification of the instant application. Applicant's Representative accepted the suggestion.



Dennis Myint
Examiner
AU-2162

PTOL-413A (09-06)
Approved for use through 03/31/2007, OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/648,064 First Named Applicant: Jean R. Chang
Examiner: Dennis Y. Myint Art Unit: 2162 Status of Application: New Final

Tentative Participants:

(1) Scott Thorpe (2) _____
(3) _____ (4) _____

Proposed Date of Interview: Oct 18 Proposed Time: 11:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej &</u>	<u>Claim 1</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

112 Rejection and two possible remedies.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Scott Thorpe
Typed/Printed Name of Applicant or Representative

54 491
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Telephone Interview Request
Application 10/648,064

Scott Thorpe
Kunzler & McKenzie
(801) 847-1557

Differences between the present invention and the cited prior art.

The present invention selects a scaling storage instruction for a dataset that would otherwise be stored without scaling. The present invention determines if the dataset should be scaled from storage characteristics, and generates a scaling storage command if appropriate.

The storage group is not selected as in Gelb as all writes are directed to the magnetic tape storage medium. Basham does not teach selecting whether to scale or not scale based on storage characteristics.

Applicants wishes to discuss two alternate wordings of an amendment to claim 1. The amendments are supported by the specification. See page 11, ¶ 38. Applicants prefer the first proposed amendment.

Proposed Amendments

1. (Proposed Amendment 1) An apparatus for selecting storage media scaling to improve data access performance, the apparatus comprising:

a reception module implemented in software for execution on a processor and configured to receive a dataset for storage with a storage instruction directing that the dataset is stored without scaling exclusively on a magnetic tape storage medium;

an identification module implemented in software for execution on a processor and configured to identify storage characteristics of the dataset, wherein the storage characteristics comprise compaction, expiration dates, and media interchange specifications; and

a scaling module implemented in software for execution on a processor and configured to select a scaling storage instruction in response to storage criteria applied to the storage characteristics that indicate scaling is beneficial and communicate the selected scaling storage instruction to a storage controller, wherein the scaling storage instruction comprises an instruction to scale the magnetic tape storage medium to a predefined capacity for optimal data access performance and the storage controller stores the dataset on a magnetic tape storage device in response to the scaling storage instruction.

1. (Proposed Amendment 2) An apparatus for selecting storage media scaling to improve data access performance, the apparatus comprising:

a reception module implemented in software for execution on a processor and configured to receive a dataset for storage ~~without scaling~~ exclusively on a magnetic tape storage medium with a storage instruction that does not direct that the dataset is stored is stored with scaling;

an identification module implemented in software for execution on a processor and configured to identify storage characteristics of the dataset, wherein the storage characteristics comprise compaction, expiration dates, and media interchange specifications; and

a scaling module implemented in software for execution on a processor and configured to select a scaling storage instruction in response to storage criteria applied to the storage characteristics that indicate scaling is beneficial and communicate the selected scaling storage instruction to a storage controller, wherein the scaling storage instruction comprises an instruction to scale the magnetic tape storage medium to a

predefined capacity for optimal data access performance and the storage controller stores the dataset on a magnetic tape storage device in response to the scaling storage instruction.